

REMARKS

This is in response to the Office Action of September 14, 2004 in which claims 1, 6-8, 10-12 and 49-60 were rejected. With this response, claim 1 is amended and all pending claims are presented for reconsideration and favorable action.

Initially, Applicant notes that claims 1-23 and 46-49 were elected in response to the Restriction dated September 20, 2004. In the second Restriction/Species election dated May 20, 2003, Applicant believes that an error occurred which has continued throughout the prosecution. Applicant believes that the Office Action of May 20, 2003, should have stated that claims 1 and 46 were generic, not just claim 1. Claim 46 should still be in the case. Claim 46 is not withdrawn as indicated in the Office Action Summary in the Office Action Dated September 14, 2004. Applicants have changed the status of claim 46 from "withdrawn" to "original".

In the Office Action, the Examiner rejected the claims relying primarily upon Jansen U.S. Patent No. 6,528,006 in view of Yamane et al. U.S. Patent No. 5,875,004. It is believed that based upon amended claim 1, the rejection should be withdrawn.

Briefly, Jansen describes a technique for machining heart valve pieces using a laser. Yamane describes a visual inspection technique.

Independent claim 1 provides a method for cutting a material segment with the beam in a production of a prosthesis. The cutting is controlled by an automated process control unit. Jansen provides no automated process control unit. Instead, Jansen simply describes some of the parameters which should be adjusted during a particular cutting operation. Further, Yamane et al. is a simple inspection system and provides no process control. For this reason, the rejection should be withdrawn.

Furthermore, the method of claim 1 includes the use of feedback ("using a difference determined by comparing the

material to a target image"). Neither Jansen or Yamane appear to provide a feedback based control system, particularly in the context of an automated control system. For this additional reason, the rejection should be withdrawn.

Based on the assumption that claim 46 remains in the case, neither Jansen nor Yamane show cutting the tissue sheet to separate portions of the tissue sheet with a thickness outside a selected range. For this reason, the rejection should be withdrawn.

In view of the above amendments and remarks, it is believed that the present application is in condition for allowance. Such action is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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